

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. BAR-14-12

BOARD OF OVERSEERS OF THE BAR

Plaintiff

v.

FINDINGS, CONCLUSIONS
and
ORDER

GARY M. PROLMAN
Me. Bar No. 7253,

Defendant

Presently pending before the Court are: (1) The Board of Overseers of the Bar's Information and separate Motion for Further Disciplinary Sanction, seeking "final discipline in this matter by an order of disbarment;" and (2) Gary M. Prolman's Response to the Board of Overseers Motion, including Prolman's Motion for Termination of Temporary Suspension, Establishment of Fixed Suspension, and Reinstatement. In these proceedings, the Board of Overseers is represented by Bar Counsel J. Scott Davis, and Gary Prolman is represented by James M. Bowie.

A hearing on these matters was held at the Capital Judicial Center on February 19, 2016. The principal issues for the hearing were whether Gary

Prolman should be disbarred from the practice of law, reinstated to the practice of law, or have his current suspension from the practice of law extended for a specific period of time, and what conditions to require of Prolman should he be reinstated to the practice of law.

At the hearing, Gary Prolman and several other witnesses testified, and the Court received a large volume of exhibits from both parties. Prior to the hearing, the parties had agreed that they could offer letters in lieu of calling live witnesses on character, rehabilitation, or advisability of disbarment or reinstatement issues. The parties had also agreed that any pleadings or other material from the court record in the federal criminal prosecution that led to this disciplinary proceeding could be offered in lieu of calling live witnesses. Accordingly, all exhibits were admitted without objection and are before the Court for consideration in reaching its decision.¹

PROCESS AND STANDARDS FOR DECISION

The proceedings leading to the hearing were generated by the Board's Motion for Further Disciplinary Sanction filed with this Court, followed by Prolman's response seeking limitation of his ongoing suspension and, ultimately, reinstatement. The filings were appropriate, as the matter is pending before this

¹ The week after the hearing, the Court received one letter from an attorney, dated February 17, 2016. Because it was late and sent directly to the Court, that letter has not been considered.

² See also a later opinion, *In re Hughes*, 608 A.2d 1220 (Me. 1992). *Hughes* was a bar admission case of an attorney disbarred in Georgia who had embezzled "more than \$400,000" from clients and "engaged

Court as a result of its June 23, 2014 suspension order. With the direct presentations to this Court, both parties effectively waived any preliminary proceedings before the Grievance Commission or the Board pursuant to the Maine Bar Rules in effect when this matter was initiated in 2014 or the revised Maine Bar Rules that took effect July 1, 2015.

The Court conducts this proceeding pursuant to the Bar Rules currently in effect and as applicable to proceedings before a Single Justice.

To support disbarment or a specific period of suspension, the Board has the burden to prove by a preponderance of the evidence, (1) violation of one or more provisions of the Maine Rules of Professional Conduct, and (2) misconduct of sufficient seriousness that, combined with any prior disciplinary record, will justify suspension or disbarment. M. Bar R. 14(b)(4), M. Bar R. 21(c).

The standards for reinstatement to the practice of law have been articulated in *In re Williams*, 2010 ME 121, ¶ 6, 8 A.3d 666, referencing former Maine Bar Rule 7.3(j)(5). The petitioner for reinstatement has the “burden to present ‘clear and convincing evidence demonstrating the moral qualifications, competency, and learning in law required for admission to practice law in this State,’ as well as evidence establishing that ‘reinstatement will not be detrimental to the integrity and standing of the Bar, the administration of justice, or to the public interest.’” *Id.* (quoting former M. Bar R. 7.3(j)(5) and citing *In re Application of Hughes*, 594

A.2d 1098, 1101 (Me. 1991)²). The current standards for reinstatement, now articulated in Maine Bar Rule 29, are similar, including the petitioner's clear and convincing evidence burden of proof, M. Bar R. 29(g). However, Rule 29(e) articulates the criteria for reinstatement in more detail.

CASE HISTORY AND FINDINGS

Based on the testimony and exhibits offered at hearing, and other statements in documents filed by the parties addressing matters not in dispute, the Court finds the following facts regarding violation of the Rules of Professional Conduct established by a preponderance of the evidence:

Gary M. Prolman was born and grew up in Nashua, New Hampshire. He graduated from Middlebury College in 1983 and Franklin Pierce Law Center, now the University of New Hampshire School of Law, in 1988. He began his career in New Hampshire and was admitted to the Maine Bar in 1991.

After being admitted to practice in Maine, Prolman primarily engaged in a solo practice with a focus on criminal defense work in state and federal courts, though his practice has also included some domestic relations work and some

² See also a later opinion, *In re Hughes*, 608 A.2d 1220 (Me. 1992). *Hughes* was a bar admission case of an attorney disbarred in Georgia who had embezzled "more than \$400,000" from clients and "engaged in other fraudulent conduct in the practice of law." 594 A.2d at 1099, 1102. The Court treated it as analogous to a reinstatement case. *Hughes* was ultimately admitted to practice in Maine while remaining disbarred in Georgia, having paid none of the restitution she had been ordered to pay as a result of her criminal conviction. 608 A.2d 1220.

advice to and representation of small businesses. Most of his practice has involved cases and clients in Cumberland and York Counties.

Before the events that gave rise to this proceeding, Prolman had been generally well regarded by other members of the bar who had professional contact with him. He had been subject to no other disciplinary actions.

Outside of his law practice, Prolman was very involved in his community, particularly with youth and high school hockey and with local charities that focused on children's needs. He became assistant or head coach of several high school hockey teams in York and Cumberland County.

Through his involvement with hockey programs, Prolman also began to develop a separate business as a sports agent, advising and promoting young hockey players who demonstrated potential to play professionally. This business venture required much work and years of effort before realizing any returns. To support his sports agent business, Prolman relied on income from his law practice and a significant loan from his father. In 2012 Prolman's sports agent business was about to realize significant returns, as three players he had advised for as many as eight years were entering professional hockey careers with good prospects of playing in the National Hockey League.

For many years prior to 2012, Prolman had regularly used cocaine and sometimes drank alcoholic beverages excessively. There is no evidence that his

drug and alcohol abuse affected his law practice or his relationships with his clients. It primarily manifested itself during times away from his practice, though his cocaine use was becoming more regular by 2012.

At some point in 2012, Prolman's cocaine dealer introduced Prolman to David Jones. Prolman soon became aware that Jones was an illegal drug dealer, primarily involved in sales of large quantities of marijuana. Jones expressed interest in having Prolman assist him in incorporating and acquiring real estate for some business ventures. Prolman assisted Jones as requested and was paid in cash for his legal advice and assistance.

Jones also learned of Prolman's sports agent business and offered to invest in and become a part owner of the sports agent business. Prolman accepted Jones's offer, viewing Jones's investment as a way to repay his father's significant loan that had been supporting the sports agent business and to stop relying on his family to support this venture.

During this time, Prolman decided to move his office from Portland to York County. With the assistance of his cocaine dealer's spouse, who was a real estate agent, Prolman located a building in Saco that he could use as an office and residence, with other space to rent to tenants. To aid in purchase of the Saco property, Prolman accepted Jones's offer to invest in and become a part owner of the property, and Jones may have been listed on the purchase and sale agreement.

However, none of the purchase documents listed Jones as a part owner, and the financing documents did not identify Jones as having any interest in the Saco property.

In these various transactions Prolman accepted \$127,875 in cash from Jones, which he then deposited in various banks in amounts of less than \$10,000 to avoid federal cash source reporting requirements.

With his criminal practice experience Prolman was aware that the cash payments he was receiving from Jones were proceeds from drug transactions that were being laundered through the payments to Prolman. At one time Prolman assisted Jones by converting a large number of small bills into larger bills that could be more easily concealed by Jones as he travelled to acquire more illegal drugs.

In mid-2012, Jones was arrested in Kansas while returning to New England with illegal drugs purchased in California. Shortly after Jones' arrest, Jones' girlfriend appeared at Prolman's residence with a large amount of cash which she indicated could be used to get an attorney and provide bail for Jones in Kansas. Prolman retained \$50,000 of the larger amount offered by Jones' girlfriend, considering it a payment toward Jones's investment in Prolman's sports agent business. It does not appear that any of those funds were used to support an attorney or bail for Jones.

A search of Jones' residence in Maine led to discovery of receipts from Jones' cash transactions with Prolman,³ which then led to investigation of Prolman's actions, directed by the United States Attorney's office. Prolman initiated contact with the U.S. Attorney's office to discuss his situation.

In late 2012, at a meeting involving Prolman, his retained attorney for the criminal matter, federal investigators, and an Assistant United States Attorney, Prolman was not truthful with those officials concerning specific details of his dealings with Jones, his own criminal conduct, and his illegal drug usage. For example, when asked by the federal investigators about his handling of approximately \$127,000 in illegal drug-related funds, including making deposits at different banks in amounts that were purposely less than \$10,000 each, Prolman asserted those funds had been generated by his legal services for an unnamed legal client. At that meeting Prolman also did not disclose that he had received the additional \$50,000 in cash, delivered to him by Jones' girlfriend, and that he had then made several additional smaller bank deposits from those funds.

In later meetings with an Assistant United States Attorney and investigators, testimony by the Assistant United States Attorney indicated that Prolman was more forthright and provided much useful information that supported the bringing of charges against other individuals involved in the illegal drug trade. As part of his

³ An Assistant United States Attorney testified at the February 19, 2016 hearing that discovery of receipts was unusual in a money laundering investigation.

cooperation with the U.S. Attorney's office, Prolman provided grand jury testimony in support of the government's prosecution of others that, in at least one instance, was viewed as creating some personal risk for Prolman.

Throughout his involvement with the U.S. Attorney's office and later up to and through his sentencing on the money laundering charges, Prolman never fully and forthrightly acknowledged his knowing participation supporting Jones's money laundering. The Assistant United States Attorney testified that Prolman's failure to fully acknowledge his role was difficult to understand in light of the physical evidence, the facts known to the government, and the potential mitigation in sentencing factors that full acknowledgment of his participation in the money laundering activity would have involved.

After considerable contact and interaction through 2013, Prolman, represented by counsel, and the U.S. Attorney's office, on December 12, 2013, reached an agreement to plead to a money laundering charge. As a result of the plea negotiations, on April 29, 2014, Prolman pled guilty in the United States District Court to an information charging him with illegal financial transactions referred to as "money laundering." The Information and the government's presentence report indicated that the specific charge to which Prolman pled guilty was Conspiracy to Launder Money and Aiding and Abetting, 18 U.S.C. §§ 1956(a)(1) and (h), and 18 U.S.C. § 1957(2). The Presentence Investigation Report, Prolman's Exhibit 11, is

incorporated by reference into this order, and its statement of the case, ¶¶ 1 – 7 at pp. 3 – 5, is adopted as more detailed findings about the offense.

Prolman's plea acknowledged participation in a felony level conspiracy to launder \$177,500⁴ worth of marijuana trafficking proceeds received from Jones or Jones's girlfriend. The plea negotiations required Prolman to pay the \$177,500 to the government. He did so, with assistance from his family, less than two weeks after entry of his plea.

Except for his assistance to Jones in incorporating a business and acquiring a place to operate the business, and accepting money from Jones to support the purchase of his new law office, Prolman's crime and his ethical violations do not in any way involve his practice of law. There has been no theft of client funds, delay, or betrayal of clients' interests often at issue in ethics violation matters.

As Prolman was negotiating his plea to the money laundering charge, he also began winding down his law practice, transferring active files to other criminal defense attorneys, and arranging to wind up the affairs of his office, close it, and store his files, anticipating his suspension from the practice of law.

After Prolman's April 29, 2014 plea, with the matter continued for sentencing, the Board initiated disciplinary proceedings to suspend Prolman from the practice of law. On June 23, 2014, this Court entered an agreed order

⁴ The total funds received from Jones was \$177,875. Evidence indicates that \$375 of that sum was paid as incorporation fees for the corporation that Jones had asked Prolman to help him establish. The \$375 apparently was not considered laundered funds.

suspending Prolman indefinitely from the practice of law, as of that date. The suspension ordered on June 23, 2014, remains in effect.

The suspension order required Prolman to close his practice and give appropriate notice of his suspension from practice to clients and others in accordance with the then-existing Bar Rules. However, by the time the suspension was ordered, Prolman had effectively ceased the practice of law through the actions he had taken anticipating the suspension. This Court ordered appointment of a Limited Receiver on August 18, 2015, but by then the receiver's principal function going forward was the organization, storage, and when necessary, retrieval of client files.

On December 16, 2014, Prolman was sentenced by the United States District Court. The Court incorporates the transcript of the sentencing proceedings, Board Exhibit 5, by reference into this order, noting particularly the findings by the United States District Judge that, even at that point, Prolman was still not being fully forthright and acknowledging his significant role in the money laundering scheme. As a result, the United States District Court declined to adopt an acceptance of responsibility calculation recommended in the presentence report that would have reduced the range of Prolman's sentence pursuant to the federal sentencing guidelines.

The sentence the United States District Court ultimately imposed was a

sentence of twenty-four months' imprisonment to commence on January 14, 2015 with an additional twenty-four months of supervised release, following release from incarceration. Of the twenty-four months period of incarceration, Prolman was actually confined at the federal facility in Lewisburg, Pennsylvania for approximately nine months.

In October 2015, he was transferred to the supervision of Pharos House in Portland for community confinement. The evidence at the February 19 hearing indicated that Prolman would be released from community confinement at Pharos House to home confinement with monitoring and reporting on February 26, 2016, and that his period of supervised confinement would end and his twenty-four month period of supervised release would begin on May 6, 2016.

Prolman's incarceration at the Lewisberg facility provided a considerable shock to Prolman's psyche. The prison setting was dramatically different than any of his prior life experiences, even though he had regularly dealt with people in jail and prison settings during his criminal practice. The experience of being locked up with other criminals, some of whom were violent, and being completely deprived of his freedom and his privacy, caused Prolman to seriously reevaluate his course in life that had gotten him to that point. That reevaluation led to a spiritual reawakening and a desire to return to continue to perform the many good deeds he had done in society before his involvement with the money laundering scheme in

2012. That reawakening in turn caused him to acknowledge, for the first time, the full extent of his participation in the money laundering scheme and the harm that his refusal to fully acknowledge his participation had done.

His reevaluation also led him to recognize that he needed to separate himself from the substance abuse problems that he had been experiencing, particularly with cocaine and alcohol, prior to his incarceration. To support his commitment to avoid substance abuse issues in the future, he joined a very rigorous 500-hour Residential Drug Abuse Treatment Program while at the Lewisberg facility. Independent evidence, including testimony by the Assistant United States Attorney, indicated that this program is indeed very rigorous with many people failing to meet its difficult standards. Prolman participated in and succeeded in completing the program with special recognition for his efforts.

After completing the program, though not necessarily related to completion of the program, Prolman was transferred to Pharos House in Portland. There, he was able to go about in the community, regularly reporting back to Pharos House and spending overnights at Pharos House. Each time he returned to Pharos House from any activity in the community, Prolman was subject to testing for alcohol and illegal drugs. He estimated that, during his time at Pharos House, he may have been tested hundreds of times for use of some substances. He also continued to engage in counseling regarding alcohol and drug abuse issues through Catholic

Charities while at Pharos House.

There is no indication in the record that Prolman used alcohol or illegal drugs while at Pharos House or while allowed to go about in the community during his time at Pharos House. Also, the evidence indicates that he participated successfully in all required counseling and supervision programs while at Pharos House.

On November 30, 2015, the Board filed with the Court its motion seeking further disciplinary sanction of either disbarment or an extended suspension of Prolman. Prolman responded with his motion seeking limitation or termination of his suspension and reinstatement.

Those competing motions were heard on February 19, 2016.

THE ETHICAL VIOLATIONS

Prolman's actions in participating with Jones in the felony money laundering activity, his misleading actions in not disclosing Jones financial participation in the purchase of the property in Saco, his initial refusal to acknowledge the full extent of his participation in the money laundering activity, and his refusal to be forthright regarding his participation even at his federal sentencing and even when he must have been aware that his refusal to acknowledge his full participation was not in his best interest, were significant ethical violations.

The Board asserts that these actions violated Maine Rules of Professional

Conduct 8.4 (a) – (d). Rule 8.4(a) – (d) states:

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate any provision of either the Maine Rules of Professional Conduct or the Maine Bar Rules, or knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal or unlawful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;

.....

There is no dispute, and Prolman does not now dispute, that by his conduct described above and in the federal presentence report he violated Maine Rules of Professional Conduct 8.4(a), (b), (c), (d). Further, the crime for which Prolman was convicted constitutes a “serious crime” pursuant to current Maine Bar Rule 23(c). Prolman's original and continuing suspension is fully justified based on these violations of his professional ethical obligations.

CONSIDERATION OF ADDITIONAL SUSPENSION

With this past conduct and the ethical violations established, the question before the Court becomes what further sanction is appropriate: disbarment, or a lengthy time specific suspension, as urged by the Board, or a shorter additional suspension leading to reinstatement, as urged by Prolman.

At the Court's request, the Bar Counsel prepared and presented a list, dated February 19, 2016, of all the disciplinary actions in the past fifteen years in which bar discipline has been imposed, or at least considered, where an ethical violation by an attorney has been found as a result of the attorney having committed a "serious crime" as that term is defined in Rule 23(c) of the new Bar Rules. Review of that list demonstrates that the appropriate sanction must be evaluated not necessarily by the offense committed or the ethical rule or rules violated, but by the particular circumstances of the case and the prior ethical record, if any, of the attorney involved. Comparison with other cases is particularly difficult here because, unlike most bar discipline cases, Prolman's actions at issue involved no theft of client funds or other neglect or compromise of client interests.

The Board supports its argument for disbarment or a lengthy suspension by referencing sections 5.1 (Failure to Maintain Personal Integrity) and 5.11(Disbarment) of the American Bar Association Standards for Imposing Lawyer Discipline.⁵ However, the history of disciplinary actions presented in the Board's February 19 listing of past disciplinary actions, and the earlier Maine bar discipline cases cited in Prolman's post-hearing memorandum indicate that Maine practice in bar discipline cases, by the Board and the Court, has involved

⁵ Maine Bar Rules 21(c) references the American Bar Association "Standards for Imposing Lawyer Sanctions" as including factors to be considered in imposing lawyer discipline. The Court assumes that this ABA document is the same one as the "Standards for Imposing Lawyer Discipline" referenced in the Board's memorandum.

individualized consideration of the totality of the circumstances in each case, rather than strict application of guideline like rules to establish discipline.

Some of the histories of the serious crimes addressed in the February 19 list of discipline cases have led to disbarment. Others have led to or resulted in only very short suspensions and/or reinstatement, even when the crime at issue involved theft of client funds.

Prolman's crime is a felony, money laundering of drug proceeds—in this case totaling \$177,500 dollars. It occurred at a time when Prolman was exercising unusually bad judgment, perhaps as a result of thought processes impaired by escalating cocaine use. However, the events that occurred in 2012 appear aberrational in Prolman's practice and Prolman's life.

Unlike several of the attorneys appearing on the list of offenses provided by the Board of Overseers, Prolman had no prior disciplinary proceedings during his twenty years of practice in Maine before 2012. During that time, he was very actively engaged in the practice of law, particularly criminal defense work, sometimes providing valuable service to those who could not afford to pay him for his work. He was also willing to provide advice and assistance to other lawyers to help them address challenges with their cases or with their practices.

As reflected by many letters from attorneys filed in both the federal sentencing proceeding and filed as exhibits in this proceeding, Prolman was well respected

and well known by his peers with active criminal practices in York and Cumberland Counties. In fact, in this Court's experience with disciplinary matters, the number of letters from fellow members of the Bar supportive of Prolman's reinstatement, complimentary of his skills, and noting the need for those skills in the profession is unusual, certainly not indicative of one who, in the past, had practiced at or near the bounds of ethical propriety.

The evidence also indicates that Prolman was more actively involved in his community and in charitable work than many other members of the Bar. As attested in many letters from members of his community, from clients, from parents, from persons involved with charities, from persons involved with youth and school hockey programs, beyond his practice, Prolman had an unusually valuable role in his community helping local charities and through involvement with youth and high school sports programs, particularly hockey programs. These are services which, when provided by Prolman, were greatly valued and which are still needed and could again be provided, particularly if Prolman resumes his law practice.

Considering Prolman's past history, which, but for the aberration in 2012 is exemplary, considering what the Court finds to be his sincere commitment to change his life and avoid the ethical problems and contributing substance abuse issues that led to the events in 2012, and considering that Prolman has already

served a twenty-one month suspension which required him, at the start, to essentially wind up his practice, the Court finds that the Board of Overseers of the Bar has not demonstrated, by a preponderance of the evidence, that disbarment or a lengthy additional suspension is required or is appropriate in the circumstances.

FINDINGS AND CONCLUSIONS REGARDING REINSTATEMENT

Mr. Prolman remains suspended based on the Court's June 23, 2014, order. The Court must decide whether that order must be continued or whether reinstatement is justified. On the question of terminating his suspension and reinstatement, Mr. Prolman bears the burden of proof by clear and convincing evidence. M. Bar R. 29(g).

In deciding the question of reinstatement, protection of the public and the public interest is a primary consideration. *In re Williams*, 2010 ME 121, ¶ 6, 8 A.3d 666. Here, the record reflects, and the Court finds by clear and convincing evidence that, but for his aberrational actions in 2012, and his continued minimization of his criminal conduct in 2013 and 2014, before his incarceration, Prolman has provided exemplary service as an attorney in the Southern Maine community. Beyond his service as an attorney, Prolman had an unusual level of engagement in his community, supporting and helping provide resources for a wide variety of charities and community organizations, and particularly youth hockey programs.

With the commitments which the Court finds to be genuine, that Prolman has made to himself and to the Bar to reform and avoid the problems that led to his conviction, the disciplinary action, and his present suspension, the Court finds, by clear and convincing evidence, that the public will be well served and the community will be well served by reinstating Prolman to his position in the practice of law. The suspension that Prolman has already served is longer than the suspensions that some have received even for felony level theft of client funds or other serious failures of ethical obligations to clients.

The criteria for reinstatement stated in Bar Rule 29(e) follow:

(e) Criteria for Reinstatement. A petitioner may be reinstated only if the petitioner meets each of the following criteria:

- (1) the petitioner has fully complied with the terms and conditions of all prior disciplinary orders issued in Maine or in any other jurisdiction except to the extent they are abated under Rule 30, unless such suspension, disbarment, or discipline is solely the result of reciprocal action resulting from disciplinary action taken by Maine authorities;
- (2) the petitioner has not engaged or attempted to engage in the unauthorized practice of law during the period of suspension or disbarment;
- (3) if the petitioner was suffering under a physical or mental disability or infirmity at the time of suspension or disbarment, including alcohol or other drug abuse, the disability or infirmity has been removed. Where alcohol or other drug abuse was a causative factor in the petitioner's misconduct, the petitioner shall not be reinstated unless:
 - (A) the petitioner has pursued appropriate rehabilitative treatment;

(B) the petitioner has abstained from the use of alcohol or other drugs for at least one year; and

(C) the petitioner is likely to continue to abstain from alcohol or other drugs;

(4) the petitioner recognizes the wrongfulness and seriousness of the misconduct for which the petitioner was suspended or disbarred;

(5) the petitioner has not engaged in any other professional misconduct since suspension or disbarment;

(6) notwithstanding the conduct for which the petitioner was disciplined, the petitioner has the requisite honesty and integrity to practice law;

(7) the petitioner has met the CLE requirements of Rule 5(a)(1) for each year the attorney has been suspended or disbarred, but need not complete more than 22 hours of approved credit hours for that entire period of absence from practice, provided that (i) no more than one half of the credit hours are earned through in-house courses, self study, or a combination thereof; and (ii) at least two credit hours are primarily concerned with the issues of professionalism as defined in Rule 5(a)(1); and

(8) In addition to all of the requirements in this provision, the attorney shall comply with Rule 4(a) and (b), and remit to the Board an arrearage registration payment equal to the total registration fee that the attorney would have been obligated to pay the Board under Rule 4(a) and (b) had the attorney remained actively registered to practice in Maine.

Addressing the Rule 29(e) criteria individually, the Court finds the following facts regarding Gary M. Prolman proven by clear and convincing evidence:

(1) He has fully complied with the terms and conditions of all disciplinary orders and is fully compliant with the requirements of his federal sentence, presently community release with reporting and monitoring.

(2) He wound up his practice of law prior to imposition of his suspension, and he has not engaged or attempted to engage in the practice of law since his June 23, 2014 suspension.

(3) He has successfully completed a rigorous drug abuse rehabilitation and treatment program. He continues to receive counseling and monitoring for alcohol and substance abuse. He has abstained from the use of alcohol or drugs, other than properly prescribed drugs, for approximately two years, and he appears seriously committed to abstaining from use of alcohol or illegal drugs in the future.

(4) He now recognizes and acknowledges the wrongfulness and seriousness of the misconduct for which he was suspended and subsequently convicted and sentenced.

(5) Other than minimizing his role in the money laundering prior to and during his sentencing, conduct he now admits to be an error, he has not engaged in any professional misconduct since his suspension.

(6) Notwithstanding the conduct for which he has been disciplined, after his reevaluation of his life's situation, he is sincerely committed to practice law and live his life with the requisite honesty and integrity. His reinstatement will not be detrimental to the integrity and standing of the Bar, the administration of justice,

or the public interest. *Williams*, 2010 ME 121, ¶ 6. In fact, based on his record before 2012, his reinstatement will be in the public interest and in the community interest.

(7 & 8) He has supplied information indicating that he has completed the requisite continuing legal education credits to resume the practice of law and that he has the funds necessary to pay to the Board the fees that would be necessary for his reinstatement. However, rather than making findings on these points, the Court will condition its order of reinstatement on Prolman's demonstrating to the Board that he has met the requisite continuing legal education requirements, that he pays to the Board to requisite fees, and that he is otherwise qualified, and remains qualified to practice law in the State of Maine.

Based on the findings and conclusions stated in this Order, the Court concludes that, but for the aberrational events in 2012, and Prolman's reluctance to accept full responsibility for his actions and ethical violations during 2013 and 2014, Gary M. Prolman has been a valued and trusted attorney and an unusually important and generous contributor to his community outside the law. The Court also concludes that Prolman's reinstatement will be in the public interest, and that, with reinstatement, subject to conditions, Prolman can again provide important service to the public as an attorney and resume his role as an important contributor to his community.

Thus, the Court will terminate Prolman's suspension from the practice of law, effective July 1, 2016. Terminating the suspension on that date will result in Prolman having served a two year suspension, which is within the range of sanctions imposed on some others with no prior disciplinary record for arguably comparable conduct. After that date, Prolman may be reinstated to the active practice of law, subject to compliance with the terms and conditions of this Order.

Therefore, the Court ORDERS:

(1) Gary M. Prolman's current suspension from the practice of law shall terminate on July 1, 2016.

(2) At any time after that date, he may be reinstated to the active practice of law, upon the Board of Overseers of the Bar determining that he qualifies for reinstatement by: (a) demonstrating compliance with the continuing legal education prerequisites for reinstatement; (b) paying the requisite fees necessary for reinstatement to the active practice of law; and (c) complying with any other requirements for reinstatement specified in the Maine Bar Rules.

(3) Reinstatement, and continuation of active practice of law is conditioned on Gary M. Prolman's:

(a) Compliance with all the terms and conditions of his federal sentence and community release.

(b) Continued engagement in substance abuse counseling and treatment, to the satisfaction of the Board of Overseers of the Bar, for a period of at least four years after the termination of any supervision pursuant to his federal sentence and community release.

(c) No excessive consumption of alcoholic beverages, and no possession or consumption of marijuana or illegal drugs, with this condition subject to monitoring and testing as determined by the Board of Overseers of the Bar, with Prolman to pay a reasonable fee for Board's monitoring and testing activities. If Prolman and the Board are unable to agree on a monitoring, testing and fee

payment program, and such cannot be arranged through the Maine Assistance Program, the parties shall return to Court for further direction.

(d) Continued compliance with the terms and conditions stated in the Maine Bar Rules and the Maine Rules of Professional Conduct for a person to continue in active practice in the State of Maine.

Dated: March 7, 2016

_____/S/_____
Donald G. Alexander
Associate Justice
Maine Supreme Judicial Court